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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,257	01/25/2005	Marco Winter	PD020065	5627
24498 7590 10/02/2007 JOSEPH J. LAKS, VICE PRESIDENT THOMSON LICENSING LLC PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			EXAMINER LODHI, ANDALIB FT	
			ART UNIT 2169	PAPER NUMBER
			MAIL DATE 10/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/522,257

Applicant(s)

WINTER ET AL.

Examiner

Andalib F. Lodhi

Art Unit

2169

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
**KHANH B. PHAM**  
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argument filed 09/18/2007 have been consider but are not persuasive. the examiner respectfully traverses applicant's arguments.

Applicant argued that indicator =Id" shown in paragraph [0035] of Jahnke of the reference is an indicator for a hierarchical level of at least one of the portions of the plurality of common formats within the descriptors. As can clearly be seen in paragraph [0033] of Jahnke, the three elements designated by <Element name = "1"...>, <Element name = "2"...>, and <Element name = "3"...> are on the same hierarchical level, in this case the level relative to on level O. Still, in the element table of paragraph [0035] they have different values "Id". Consequently, the indicator "Id" does not designate the hierarchical level of the portions of the common format.

First, in response to applicant argument, Examiner respectfully submit that as shown in Element Tables and Attribute Table at Paragraphs [0035]-[0036], ID and ParentID as "information describing the descriptor structure in the relations" together with elements, attributes, texts of the XML as "the portion of common formats in relations" are stored in Element Tables and Attribute Table as "the relational database". AS further disclosed in the Element Table of Paragraph [0035], the second row includes the Element tag of the XML with ID = 2 as "an indicator for a hierarchical level e.g., level 2 in the XML of at least one of the portions of the plurality of common formats with the descriptors e.g., Element tag is one of elements, attributes and texts.

Applicant also argued that Anderson is unable to remedy the aforementioned deficiency of Jahnke that the each hierarchy table of Anderson includes different types of elements. Also, the pointers referenced as indicators by the Examiner do not indicate a hierarchical level of an element.

Second, in response to applicant argument, Examiner respectfully submit that Anderson teaches "wherein the information describing the descriptor structure includes an indicator for a hierarchical level of at least one of the portions of the plurality of common formats with the descriptors (see e.g. Fig 5A, refs. 502' indicate from 502 to 503 as 'a indicator for a heirarchical level' and see e.g. col. 8 lines 9-17 and col. 13 lines 26-51, note that 'among units having the same value' refers same type of elements in entity table of heirarchical level). Also, the pointers referenced as indicators indicate a hierarchical level of an element (see e.g. Fig 5A, refs. 502' indicate from 502 to 503 as a indicator for a heirarchical level in order to facilitate iformation extraction purpose).

In light of the above arguments, the 103 rejection is hereby sustained.